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[Report No. 108-44]

To authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2003

Mr. ROBERTS, from the Select Committee on Intelligence, reported the following original bill; which was read twice and referred to the Committee on Armed Services pursuant to Section 3(b) of S. Res. 400, 94th Congress, for a period of not to exceed 30 days of session

A BILL

To authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Intelligence Authorization Act for Fiscal Year 2004”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified schedule of authorizations.
- Sec. 103. Personnel ceiling adjustments.
- Sec. 104. Intelligence Community Management Account.
- Sec. 105. Incorporation of reporting requirements.
- Sec. 106. Preparation and submittal of reports, reviews, studies, and plans relating to intelligence activities of Department of Defense or Department of Energy.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Recurring General Provisions

- Sec. 301. Increase in employee compensation and benefits authorized by law.
- Sec. 302. Restriction on conduct of intelligence activities.

Subtitle B—Intelligence

- Sec. 311. Modification of authority to obligate and expend certain funds for intelligence activities.
- Sec. 312. Modification of notice and wait requirements on projects to construct or improve intelligence community facilities.
- Sec. 313. Use of funds for counterdrug and counterterrorism activities for Colombia.
- Sec. 314. Pilot program on analysis of signals and other intelligence by intelligence analysts of various elements of the intelligence community.
- Sec. 315. Pilot program on training for intelligence analysts.
- Sec. 316. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Subtitle C—Surveillance

- Sec. 321. Clarification and modification of sunset of surveillance-related amendments made by USA PATRIOT ACT of 2001.

Subtitle D—Reports

- Sec. 331. Report on cleared insider threat to classified computer networks.
- Sec. 332. Report on security background investigations and security clearance procedures of the Federal Government.
- Sec. 333. Report on detail of civilian intelligence personnel among elements of the intelligence community and the Department of Defense.

- Sec. 334. Report on modifications of policy and law on classified information to facilitate sharing of information for national security purposes.
- Sec. 335. Report of Secretary of Defense and Director of Central Intelligence on strategic planning.
- Sec. 336. Report on United States dependence on computer hardware and software manufactured overseas.
- Sec. 337. Report on lessons learned from military operations in Iraq.
- Sec. 338. Reports on conventional weapons and ammunition obtained by Iraq in violation of certain United Nations Security Council resolutions.
- Sec. 339. Repeal of certain report requirements relating to intelligence activities.

Subtitle E—Other Matters

- Sec. 351. Extension of suspension of reorganization of Diplomatic Telecommunications Service Program Office.
- Sec. 352. Modifications of authorities on explosive materials.
- Sec. 353. Modification of prohibition on the naturalization of certain persons.
- Sec. 354. Modification to definition of financial institution in the Right to Financial Privacy Act.
- Sec. 355. Coordination of Federal Government research on security evaluations.
- Sec. 356. Technical amendments.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

- Sec. 401. Amendment to certain Central Intelligence Agency Act of 1949 notification requirements.
- Sec. 402. Protection of certain Central Intelligence Agency personnel from tort liability.
- Sec. 403. Repeal of obsolete limitation on use of funds in Central Services Working Capital Fund.
- Sec. 404. Technical amendment to Federal Information Security Management Act of 2002.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

- Sec. 501. Protection of operational files of the National Security Agency.
- Sec. 502. Provision of affordable living quarters for certain students working at National Security Agency laboratory.
- Sec. 503. Protection of certain National Security Agency personnel from tort liability.
- Sec. 504. Authority for intelligence community elements of Department of Defense to award personal service contracts.

1 **TITLE I—INTELLIGENCE** 2 **ACTIVITIES**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2004 for the conduct of the intelligence and

1 intelligence-related activities of the following elements of
2 the United States Government:

3 (1) The Central Intelligence Agency.

4 (2) The Department of Defense.

5 (3) The Defense Intelligence Agency.

6 (4) The National Security Agency.

7 (5) The Department of the Army, the Depart-
8 ment of the Navy, and the Department of the Air
9 Force.

10 (6) The Department of State.

11 (7) The Department of the Treasury.

12 (8) The Department of Energy.

13 (9) The Federal Bureau of Investigation.

14 (10) The National Reconnaissance Office.

15 (11) The National Imagery and Mapping Agen-
16 cy.

17 (12) The Coast Guard.

18 (13) The Department of Homeland Security.

19 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

20 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL

21 CEILINGS.—The amounts authorized to be appropriated
22 under section 101, and the authorized personnel ceilings
23 as of September 30, 2004, for the conduct of the intel-
24 ligence and intelligence-related activities of the elements
25 listed in such section, are those specified in the classified

1 Schedule of Authorizations prepared to accompany the
2 conference report on the bill ____ of the One Hundred
3 Eighth Congress.

4 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
5 THORIZATIONS.—The Schedule of Authorizations shall be
6 made available to the Committees on Appropriations of
7 the Senate and House of Representatives and to the Presi-
8 dent. The President shall provide for suitable distribution
9 of the Schedule, or of appropriate portions of the Sched-
10 ule, within the executive branch.

11 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

12 (a) AUTHORITY FOR ADJUSTMENTS.—With the ap-
13 proval of the Director of the Office of Management and
14 Budget, the Director of Central Intelligence may authorize
15 employment of civilian personnel in excess of the number
16 authorized for fiscal year 2004 under section 102 when
17 the Director of Central Intelligence determines that such
18 action is necessary to the performance of important intel-
19 ligence functions, except that the number of personnel em-
20 ployed in excess of the number authorized under such sec-
21 tion may not, for any element of the intelligence commu-
22 nity, exceed 2 percent of the number of civilian personnel
23 authorized under such section for such element.

24 (b) NOTICE TO INTELLIGENCE COMMITTEES.—The
25 Director of Central Intelligence shall promptly notify the

1 Select Committee on Intelligence of the Senate and the
2 Permanent Select Committee on Intelligence of the House
3 of Representatives whenever the Director exercises the au-
4 thority granted by this section.

5 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
6 **COUNT.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated for the Intelligence Commu-
9 nity Management Account of the Director of Central Intel-
10 ligence for fiscal year 2004 the sum of \$198,390,000.
11 Within such amount, funds identified in the classified
12 Schedule of Authorizations referred to in section 102(a)
13 for advanced research and development shall remain avail-
14 able until September 30, 2005.

15 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
16 ments within the Intelligence Community Management
17 Account of the Director of Central Intelligence are author-
18 ized 310 full-time personnel as of September 30, 2004.
19 Personnel serving in such elements may be permanent em-
20 ployees of the Intelligence Community Management Ac-
21 count or personnel detailed from other elements of the
22 United States Government.

23 (c) CLASSIFIED AUTHORIZATIONS.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—In
25 addition to amounts authorized to be appropriated

1 for the Intelligence Community Management Ac-
2 count by subsection (a), there are also authorized to
3 be appropriated for the Intelligence Community
4 Management Account for fiscal year 2004 such addi-
5 tional amounts as are specified in the classified
6 Schedule of Authorizations referred to in section
7 102(a). Such additional amounts for research and
8 development shall remain available until September
9 30, 2005.

10 (2) AUTHORIZATION OF PERSONNEL.—In addi-
11 tion to the personnel authorized by subsection (b)
12 for elements of the Intelligence Community Manage-
13 ment Account as of September 30, 2004, there are
14 also authorized such additional personnel for such
15 elements as of that date as are specified in the clas-
16 sified Schedule of Authorizations.

17 (d) REIMBURSEMENT.—Except as provided in section
18 113 of the National Security Act of 1947 (50 U.S.C.
19 404h), during fiscal year 2004 any officer or employee of
20 the United States or a member of the Armed Forces who
21 is detailed to the staff of the Intelligence Community Man-
22 agement Account from another element of the United
23 States Government shall be detailed on a reimbursable
24 basis, except that any such officer, employee, or member
25 may be detailed on a nonreimbursable basis for a period

1 of less than one year for the performance of temporary
2 functions as required by the Director of Central Intel-
3 ligence.

4 (e) NATIONAL DRUG INTELLIGENCE CENTER.—

5 (1) IN GENERAL.—Of the amount authorized to
6 be appropriated in subsection (a), \$37,090,000 shall
7 be available for the National Drug Intelligence Cen-
8 ter. Within such amount, funds provided for re-
9 search, development, testing, and evaluation pur-
10 poses shall remain available until September 30,
11 2005, and funds provided for procurement purposes
12 shall remain available until September 30, 2006.

13 (2) TRANSFER OF FUNDS.—The Director of
14 Central Intelligence shall transfer to the Attorney
15 General funds available for the National Drug Intel-
16 ligence Center under paragraph (1). The Attorney
17 General shall utilize funds so transferred for the ac-
18 tivities of the National Drug Intelligence Center.

19 (3) LIMITATION.—Amounts available for the
20 National Drug Intelligence Center may not be used
21 in contravention of the provisions of section
22 103(d)(1) of the National Security Act of 1947 (50
23 U.S.C. 403–3(d)(1)).

24 (4) AUTHORITY.—Notwithstanding any other
25 provision of law, the Attorney General shall retain

1 full authority over the operations of the National
2 Drug Intelligence Center.

3 **SEC. 105. INCORPORATION OF REPORTING REQUIRE-**
4 **MENTS.**

5 (a) IN GENERAL.—Each requirement to submit a re-
6 port to the congressional intelligence committees that is
7 included in the joint explanatory statement to accompany
8 the conference report on the bill ____ of the One Hundred
9 Eighth Congress, or in the classified annex to this Act,
10 is hereby incorporated into this Act, and is hereby made
11 a requirement in law.

12 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES
13 DEFINED.—In this section, the term “congressional intel-
14 ligence committees” means—

15 (1) the Select Committee on Intelligence of the
16 Senate; and

17 (2) the Permanent Select Committee on Intel-
18 ligence of the House of Representatives.

19 **SEC. 106. PREPARATION AND SUBMITTAL OF REPORTS, RE-**
20 **VIEWS, STUDIES, AND PLANS RELATING TO**
21 **INTELLIGENCE ACTIVITIES OF DEPARTMENT**
22 **OF DEFENSE OR DEPARTMENT OF ENERGY.**

23 (a) CONSULTATION IN PREPARATION.—(1) The Di-
24 rector of Central Intelligence shall ensure that any report,
25 review, study, or plan required to be prepared or con-

1 ducted by a provision of this Act, including a provision
2 of the classified Schedule of Authorizations referred to in
3 section 102(a) or the classified annex to this Act, that in-
4 volves the intelligence or intelligence-related activities of
5 the Department of Defense or the Department of Energy
6 is prepared or conducted in consultation with the Sec-
7 retary of Defense or the Secretary of Energy, as appro-
8 priate.

9 (2) The Secretary of Defense or the Secretary of En-
10 ergy may carry out any consultation required by this sub-
11 section through an official of the Department of Defense
12 or the Department of Energy, as the case may be, des-
13 ignated by such Secretary for that purpose.

14 (b) SUBMITTAL.—Any report, review, study, or plan
15 referred to in subsection (a) shall be submitted, in addition
16 to any other committee of Congress specified for submittal
17 in the provision concerned, to the following committees of
18 Congress:

19 (1) The Committees on Armed Services and Ap-
20 propriations and the Select Committee on Intel-
21 ligence of the Senate.

22 (2) The Committees on Armed Services and Ap-
23 propriations and the Permanent Select Committee
24 on Intelligence of the House of Representatives.

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2004 the sum of \$226,400,000.

9 **TITLE III—GENERAL**
10 **PROVISIONS**
11 **Subtitle A—Recurring General**
12 **Provisions**

13 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
14 **BENEFITS AUTHORIZED BY LAW.**

15 Appropriations authorized by this Act for salary, pay,
16 retirement, and other benefits for Federal employees may
17 be increased by such additional or supplemental amounts
18 as may be necessary for increases in such compensation
19 or benefits authorized by law.

20 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
21 **ACTIVITIES.**

22 The authorization of appropriations by this Act shall
23 not be deemed to constitute authority for the conduct of
24 any intelligence activity which is not otherwise authorized
25 by the Constitution or the laws of the United States.

Subtitle B—Intelligence

SEC. 311. MODIFICATION OF AUTHORITY TO OBLIGATE AND EXPEND CERTAIN FUNDS FOR INTELLIGENCE ACTIVITIES.

Section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended—

(1) by inserting “and” at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 312. MODIFICATION OF NOTICE AND WAIT REQUIRE- MENTS ON PROJECTS TO CONSTRUCT OR IM- PROVE INTELLIGENCE COMMUNITY FACILI- TIES.

(a) INCREASE OF THRESHOLDS FOR NOTICE.—Subsection (a) of section 602 of the Intelligence Authorization Act for Fiscal Year 1995 (Public Law 103–359; 108 Stat. 3432; 50 U.S.C. 403–2b(a)) is amended—

(1) by striking “\$750,000” each place it appears and inserting “\$5,000,000”; and

(2) by striking “\$500,000” each place it appears and inserting “\$1,000,000”.

1 (b) NOTICE AND WAIT REQUIREMENTS FOR EMER-
2 GENCY PROJECTS.—Subsection (b)(2) of that section is
3 amended—

4 (1) by redesignating subparagraphs (A), (B),
5 and (C) as clauses (i), (ii), and (iii), respectively;

6 (2) by inserting “(A)” after “(2) REPORT.—”;

7 (3) by striking “21-day period” and inserting
8 “7-day period”; and

9 (4) by adding at the end the following new sub-
10 paragraph:

11 “(B) Notwithstanding subparagraph (A), a
12 project referred to in paragraph (1) may begin on
13 the date the notification is received by the appro-
14 priate committees of Congress under that paragraph
15 if the Director of Central Intelligence and the Sec-
16 retary of Defense jointly determine that—

17 “(i) an emergency exists with respect to
18 the national security or the protection of health,
19 safety, or environmental quality; and

20 “(ii) any delay in the commencement of
21 the project would harm any or all of those in-
22 terests.”.

1 **SEC. 313. USE OF FUNDS FOR COUNTERDRUG AND**
2 **COUNTERTERRORISM ACTIVITIES FOR CO-**
3 **LOMBIA.**

4 (a) **AUTHORITY.**—Funds designated for intelligence
5 or intelligence-related purposes for assistance to the Gov-
6 ernment of Colombia for counterdrug activities for fiscal
7 year 2004, and any unobligated funds available to any ele-
8 ment of the intelligence community for such activities for
9 a prior fiscal year, shall be available—

10 (1) to support a unified campaign against nar-
11 cotics trafficking and against activities by organiza-
12 tions designated as terrorist organizations (such as
13 the Revolutionary Armed Forces of Colombia
14 (FARC), the National Liberation Army (ELN), and
15 the United Self-Defense Forces of Colombia (AUC));
16 and

17 (2) to take actions to protect human health and
18 welfare in emergency circumstances, including un-
19 dertaking rescue operations.

20 (b) **TERMINATION OF AUTHORITY.**—The authority
21 provided in subsection (a) shall cease to be effective if the
22 Secretary of Defense has credible evidence that the Colom-
23 bian Armed Forces are not conducting vigorous operations
24 to restore government authority and respect for human
25 rights in areas under the effective control of paramilitary
26 and guerrilla organizations.

1 (c) APPLICATION OF CERTAIN PROVISIONS OF
2 LAW.—Sections 556, 567, and 568 of Public Law 107–
3 115, section 8093 of the Department of Defense Appro-
4 priations Act, 2002, and the numerical limitations on the
5 number of United States military personnel and United
6 States individual civilian contractors in section 3204(b)(1)
7 of Public Law 106–246 shall be applicable to funds made
8 available pursuant to the authority contained in subsection
9 (a).

10 (d) LIMITATION ON PARTICIPATION OF UNITED
11 STATES PERSONNEL.—No United States Armed Forces
12 personnel or United States civilian contractor employed by
13 the United States will participate in any combat operation
14 in connection with assistance made available under this
15 section, except for the purpose of acting in self defense
16 or rescuing any United States citizen to include United
17 States Armed Forces personnel, United States civilian em-
18 ployees, and civilian contractors employed by the United
19 States.

20 **SEC. 314. PILOT PROGRAM ON ANALYSIS OF SIGNALS AND**
21 **OTHER INTELLIGENCE BY INTELLIGENCE AN-**
22 **ALYSTS OF VARIOUS ELEMENTS OF THE IN-**
23 **TELLIGENCE COMMUNITY.**

24 (a) IN GENERAL.—The Director of Central Intel-
25 ligence shall carry out a pilot program to assess the feasi-

1 bility and advisability of permitting intelligence analysts
2 of various elements of the intelligence community to access
3 and analyze intelligence from the databases of other ele-
4 ments of the intelligence community in order to achieve
5 the objectives set forth in subsection (c).

6 (b) COVERED INTELLIGENCE.—The intelligence to be
7 analyzed under the pilot program under subsection (a)
8 shall include the following:

9 (1) Signals intelligence of the National Security
10 Agency.

11 (2) Such intelligence of other elements of the
12 intelligence community as the Director shall select
13 for purposes of the pilot program.

14 (c) OBJECTIVES.—The objectives set forth in this
15 subsection are as follows:

16 (1) To enhance the capacity of the intelligence
17 community to undertake so-called “all source fu-
18 sion” analysis in support of the intelligence and in-
19 telligence-related missions of the intelligence commu-
20 nity.

21 (2) To reduce, to the extent practicable, the
22 amount of intelligence collected by the intelligence
23 community that is not assessed, or reviewed, by in-
24 telligence analysts.

1 (3) To reduce the burdens imposed on analyt-
2 ical personnel of the elements of the intelligence
3 community by current practices regarding the shar-
4 ing of intelligence among elements of the intelligence
5 community.

6 (d) COMMENCEMENT.—The Director shall commence
7 the pilot program under subsection (a) not later than De-
8 cember 31, 2003.

9 (e) VARIOUS MECHANISMS REQUIRED.—In carrying
10 out the pilot program under subsection (a), the Director
11 shall develop and utilize various mechanisms to facilitate
12 the access to, and the analysis of, intelligence in the data-
13 bases of the intelligence community by intelligence ana-
14 lysts of other elements of the intelligence community, in-
15 cluding the use of so-called “detailees in place”.

16 (f) SECURITY.—(1) In carrying out the pilot program
17 under subsection (a), the Director shall take appropriate
18 actions to protect against the disclosure and unauthorized
19 use of intelligence in the databases of the elements of the
20 intelligence community which may endanger sources and
21 methods which (as determined by the Director) warrant
22 protection.

23 (2) The actions taken under paragraph (1) shall in-
24 clude the provision of training on the accessing and han-
25 dling of information in the databases of various elements

1 of the intelligence community and the establishment of
2 limitations on access to information in such databases to
3 United States persons.

4 (g) ASSESSMENT.—Not later than February 1, 2004,
5 after the commencement under subsection (d) of the pilot
6 program under subsection (a), the Under Secretary of De-
7 fense for Intelligence and the Assistant Director of Cen-
8 tral Intelligence for Analysis and Production shall jointly
9 carry out an assessment of the progress of the pilot pro-
10 gram in meeting the objectives set forth in subsection (c).

11 (h) REPORT.—(1) The Director of Central Intel-
12 ligence and the Secretary of Defense shall jointly submit
13 to the appropriate committees of Congress a report on the
14 assessment carried out under subsection (g).

15 (2) The report shall include—

16 (A) a description of the pilot program under
17 subsection (a);

18 (B) the findings of the Under Secretary and
19 Assistant Director as a result of the assessment;

20 (C) any recommendations regarding the pilot
21 program that the Under Secretary and the Assistant
22 Director jointly consider appropriate in light of the
23 assessment; and

1 (D) any recommendations that the Director and
2 Secretary consider appropriate for purposes of the
3 report.

4 (i) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this section, the term “appropriate commit-
6 tees of Congress” means—

7 (1) the Select Committee on Intelligence, the
8 Committee on Armed Services, and the Committee
9 on Appropriations of the Senate; and

10 (2) the Permanent Select Committee on Intel-
11 ligence, the Committee on Armed Services, and the
12 Committee on Appropriations of the House of Rep-
13 resentatives.

14 **SEC. 315. PILOT PROGRAM ON TRAINING FOR INTEL-**
15 **LIGENCE ANALYSTS.**

16 (a) PILOT PROGRAM REQUIRED.—(1) The Director
17 of Central Intelligence shall carry out a pilot program to
18 assess the feasibility and advisability of providing for the
19 preparation of selected students for availability for em-
20 ployment as intelligence analysts for the intelligence and
21 intelligence-related activities of the United States through
22 a training program similar to the Reserve Officers’ Train-
23 ing Corps programs of the Department of Defense.

24 (2) The pilot program shall be known as the Intel-
25 ligence Community Analyst Training Program.

1 (b) ELEMENTS.—In carrying out the pilot program
2 under subsection (a), the Director shall establish and
3 maintain one or more cadres of students who—

4 (1) participate in such training as intelligence
5 analysts as the Director considers appropriate; and

6 (2) upon completion of such training, are avail-
7 able for employment as intelligence analysts under
8 such terms and conditions as the Director considers
9 appropriate.

10 (c) DURATION.—The Director shall carry out the
11 pilot program under subsection (a) during fiscal years
12 2004 through 2006.

13 (d) LIMITATION ON NUMBER OF MEMBERS DURING
14 FISCAL YEAR 2004.—The total number of individuals
15 participating in the pilot program under subsection (a)
16 during fiscal year 2004 may not exceed 150 students.

17 (e) RESPONSIBILITY.—The Director shall carry out
18 the pilot program under subsection (a) through the Assist-
19 ant Director of Central Intelligence for Analysis and Pro-
20 duction.

21 (f) REPORTS.—(1) Not later than 120 days after the
22 date of the enactment of this Act, the Director shall sub-
23 mit to Congress a preliminary report on the pilot program
24 under subsection (a), including a description of the pilot

1 program and the authorities to be utilized in carrying out
2 the pilot program.

3 (2) Not later than one year after the commencement
4 of the pilot program, the Director shall submit to Congress
5 a report on the pilot program. The report shall include—

6 (A) a description of the activities under the
7 pilot program, including the number of individuals
8 who participated in the pilot program and the train-
9 ing provided such individuals under the pilot pro-
10 gram;

11 (B) an assessment of the effectiveness of the
12 pilot program in meeting the purpose of the pilot
13 program; and

14 (C) any recommendations for additional legisla-
15 tive or administrative action that the Director con-
16 sider appropriate in light of the pilot program.

17 (g) FUNDING.—Of the amounts authorized to be ap-
18 propriated by this Act, \$8,000,000 shall be available in
19 fiscal year 2004 to carry out this section.

20 **SEC. 316. EXTENSION OF NATIONAL COMMISSION FOR THE**
21 **REVIEW OF THE RESEARCH AND DEVELOP-**
22 **MENT PROGRAMS OF THE UNITED STATES IN-**
23 **TELLIGENCE COMMUNITY.**

24 Section 1007(a) of the Intelligence Authorization Act
25 for Fiscal Year 2003 (Public Law 107–306; 116 Stat.

1 2442; 50 U.S.C. 401 note) is amended by striking “Sep-
 2 tember 1, 2003,” and inserting “September 1, 2004,”.

3 **Subtitle C—Surveillance**

4 **SEC. 321. CLARIFICATION AND MODIFICATION OF SUNSET** 5 **OF SURVEILLANCE-RELATED AMENDMENTS** 6 **MADE BY USA PATRIOT ACT OF 2001.**

7 (a) CLARIFICATION.—Section 224 of the USA PA-
 8 TRIOT ACT of 2001 (Public Law 107–56; 115 Stat. 295)
 9 is amended by adding at the end the following new sub-
 10 section:

11 “(c) EFFECT OF SUNSET.—Effective on December
 12 31, 2005, each provision of law the amendment of which
 13 is sunset by subsection (a) shall be revived so as to be
 14 in effect as such provision of law was in effect on October
 15 25, 2001.”.

16 (b) MODIFICATION.—Subsection (a) of that section is
 17 amended by inserting “204,” after “203(c),”.

18 **Subtitle D—Reports**

19 **SEC. 331. REPORT ON CLEARED INSIDER THREAT TO CLAS-** 20 **SIFIED COMPUTER NETWORKS.**

21 (a) REPORT REQUIRED.—The Director of Central In-
 22 telligence and the Secretary of Defense shall jointly submit
 23 to the appropriate committees of Congress a report on the
 24 risks to the national security of the United States of the

1 current computer security practices of the elements of the
2 intelligence community and of the Department of Defense.

3 (b) ASSESSMENTS.—The report under subsection (a)
4 shall include an assessment of the following:

5 (1) The vulnerability of the computers and com-
6 puter systems of the elements of the intelligence
7 community, and of the Department of Defense, to
8 various threats from foreign governments, inter-
9 national terrorist organizations, and organized
10 crime, including information warfare (IW), Informa-
11 tion Operations (IO), Computer Network Exploi-
12 tation (CNE), and Computer Network Attack
13 (CNA).

14 (2) The risks of providing users of local area
15 networks (LANs) or wide-area networks (WANs) of
16 computers that include classified information with
17 capabilities for electronic mail, upload and download,
18 or removable storage media without also deploying
19 comprehensive computer firewalls, accountability
20 procedures, or other appropriate security controls.

21 (3) Any other matters that the Director and the
22 Secretary jointly consider appropriate for purposes
23 of the report.

1 (c) INFORMATION ON ACCESS TO NETWORKS.—The
2 report under subsection (a) shall also include information
3 as follows:

4 (1) An estimate of the number of access points
5 on each classified computer or computer system of
6 an element of the intelligence community or the De-
7 partment of Defense that permit unsupervised
8 uploading or downloading of classified information,
9 set forth by level of classification.

10 (2) An estimate of the number of individuals
11 utilizing such computers or computer systems who
12 have access to input-output devices on such com-
13 puters or computer systems.

14 (3) A description of the policies and procedures
15 governing the security of the access points referred
16 to in paragraph (1), and an assessment of the ade-
17 quacy of such policies and procedures.

18 (4) An assessment of viability of utilizing other
19 technologies (including so-called “thin client serv-
20 ers”) to achieve enhanced security of such com-
21 puters and computer systems through more rigorous
22 control of access to such computers and computer
23 systems.

24 (d) RECOMMENDATIONS.—The report under sub-
25 section (a) shall also include such recommendations for

1 modifications or improvements of the current computer se-
2 curity practices of the elements of the intelligence commu-
3 nity, and of the Department of Defense, as the Director
4 and the Secretary jointly consider appropriate as a result
5 of the assessments under subsection (b) and the informa-
6 tion under subsection (c).

7 (e) SUBMITTAL DATE.—The report under subsection
8 (a) shall be submitted not later than February 15, 2004.

9 (f) FORM.—The report under subsection (a) may be
10 submitted in classified or unclassified form, at the election
11 of the Director.

12 (g) DEFINITIONS.—In this section:

13 (1) The term “appropriate committees of Con-
14 gress” means—

15 (A) the Select Committee on Intelligence
16 and the Committee on Armed Services of the
17 Senate; and

18 (B) the Permanent Select Committee on
19 Intelligence and the Committee on Armed Serv-
20 ices of the House of Representatives.

21 (2) The term “elements of the intelligence com-
22 munity” means the elements of the intelligence com-
23 munity set forth in or designated under section 3(4)
24 of the National Security Act of 1947 (50 U.S.C.
25 401a(4)).

1 **SEC. 332. REPORT ON SECURITY BACKGROUND INVESTIGA-**
2 **TIONS AND SECURITY CLEARANCE PROCE-**
3 **DURES OF THE FEDERAL GOVERNMENT.**

4 (a) REPORT REQUIRED.—The Director of Central In-
5 telligence and the Secretary of Defense shall jointly submit
6 to the appropriate committees of Congress a report on the
7 utility and effectiveness of the current security back-
8 ground investigations and security clearance procedures of
9 the Federal Government in meeting the purposes of such
10 investigations and procedures.

11 (b) PARTICULAR REPORT MATTERS.—In preparing
12 the report, the Director and the Secretary shall address
13 in particular the following:

14 (1) A comparison of the costs and benefits of
15 conducting background investigations for Secret
16 clearance with the costs and benefits of conducting
17 full field background investigations.

18 (2) The standards governing the revocation of
19 security clearances.

20 (c) RECOMMENDATIONS.—The report under sub-
21 section (a) shall include such recommendations for modi-
22 fications or improvements of the current security back-
23 ground investigations or security clearance procedures of
24 the Federal Government as the Director and the Secretary
25 jointly consider appropriate as a result of the preparation
26 of the report under that subsection.

1 (d) SUBMITTAL DATE.—The report under subsection
 2 (a) shall be submitted not later than February 15, 2004.

3 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
 4 FINED.—In this section, the term “appropriate commit-
 5 tees of Congress” means—

6 (1) the Select Committee on Intelligence and
 7 the Committees on Armed Services and the Judici-
 8 ary of the Senate; and

9 (2) the Permanent Select Committee on Intel-
 10 ligence and the Committees on Armed Services and
 11 the Judiciary of the House of Representatives.

12 **SEC. 333. REPORT ON DETAIL OF CIVILIAN INTELLIGENCE**
 13 **PERSONNEL AMONG ELEMENTS OF THE IN-**
 14 **TELLIGENCE COMMUNITY AND THE DEPART-**
 15 **MENT OF DEFENSE.**

16 (a) REPORT REQUIRED.—The heads of the elements
 17 of the intelligence community shall jointly submit to the
 18 appropriate committees of Congress a report on means of
 19 improving the detail or transfer of civilian intelligence per-
 20 sonnel between and among the various elements of the in-
 21 telligence community for the purpose of enhancing the
 22 flexibility and effectiveness of the intelligence community
 23 in responding to changes in requirements for the collec-
 24 tion, analysis, and dissemination of intelligence.

1 (b) REPORT ELEMENTS.—The report under sub-
2 section (a) shall—

3 (1) set forth a variety of proposals on means of
4 improving the detail or transfer of civilian intel-
5 ligence personnel as described in that subsection;

6 (2) identify the proposal or proposals deter-
7 mined by the heads of the elements of the intel-
8 ligence community to be most likely to meet the pur-
9 pose described in that subsection; and

10 (3) include such recommendations for such leg-
11 islative or administrative action as the heads of the
12 elements of the intelligence community consider ap-
13 propriate to implement the proposal or proposals
14 identified under paragraph (2).

15 (c) SUBMITTAL DATE.—The report under subsection
16 (a) shall be submitted not later than February 15, 2004.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “appropriate committees of Con-
19 gress” means—

20 (A) the Select Committee on Intelligence
21 and the Committees on Armed Services and the
22 Judiciary of the Senate; and

23 (B) the Permanent Select Committee on
24 Intelligence and the Committees on Armed

1 Services and the Judiciary of the House of Rep-
2 resentatives.

3 (2) The term “elements of the intelligence com-
4 munity” means the elements of the intelligence com-
5 munity set forth in or designated under section 3(4)
6 of the National Security Act of 1947 (50 U.S.C.
7 401a(4)).

8 (3) The term “heads of the elements of the in-
9 telligence community” includes the Secretary of De-
10 fense with respect to each element of the intelligence
11 community within the Department of Defense or the
12 military departments.

13 **SEC. 334. REPORT ON MODIFICATIONS OF POLICY AND LAW**
14 **ON CLASSIFIED INFORMATION TO FACILI-**
15 **TATE SHARING OF INFORMATION FOR NA-**
16 **TIONAL SECURITY PURPOSES.**

17 (a) REPORT.—Not later than four months after the
18 date of the enactment of this Act, the President shall sub-
19 mit to the appropriate committees of Congress a report
20 that—

21 (1) identifies impediments in current policy and
22 regulations to the sharing of classified information
23 horizontally across and among Federal departments
24 and agencies, and between Federal departments and
25 agencies and vertically to and from agencies of State

1 and local governments and the private sector, for na-
2 tional security purposes, including homeland secu-
3 rity;

4 (2) proposes appropriate modifications of policy,
5 law, and regulations to eliminate such impediments
6 in order to facilitate such sharing of classified infor-
7 mation for homeland security purposes, including
8 homeland security; and

9 (3) outlines a plan of action (including appro-
10 priate milestones and funding) to establish the Ter-
11 rorist Threat Integration Center as called for in the
12 Information on the State of the Union given by the
13 President to Congress under section 3 of Article II
14 of the Constitution of the United States in 2003.

15 (b) CONSIDERATIONS.—In preparing the report
16 under subsection (a), the President shall—

17 (1) consider the extent to which the reliance on
18 a document-based approach to the protection of clas-
19 sified information impedes the sharing of classified
20 information; and

21 (2) consider the extent to which the utilization
22 of a database-based approach, or other electronic ap-
23 proach, to the protection of classified information
24 might facilitate the sharing of classified information.

1 (c) COORDINATION WITH OTHER INFORMATION
 2 SHARING ACTIVITIES.—In preparing the report under
 3 subsection (a), the President shall, to the maximum extent
 4 practicable, take into account actions being undertaken
 5 under the Homeland Security Information Sharing Act
 6 (subtitle I of title VIII of Public Law 107–296; 116 Stat.
 7 2252; 6 U.S.C. 481 et seq.).

8 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
 9 FINED.—In this section, the term “appropriate commit-
 10 tees of Congress” means—

11 (1) the Select Committee on Intelligence and
 12 the Committee on Armed Services of the Senate; and

13 (2) the Permanent Select Committee on Intel-
 14 ligence, the Select Committee on Homeland Security,
 15 and the Committee on Armed Services of the House
 16 of Representatives.

17 **SEC. 335. REPORT OF SECRETARY OF DEFENSE AND DIREC-**
 18 **TOR OF CENTRAL INTELLIGENCE ON STRA-**
 19 **TEGIC PLANNING.**

20 (a) REPORT.—Not later than February 15, 2004, the
 21 Secretary of Defense and the Director of Central Intel-
 22 ligence shall jointly submit to the appropriate committees
 23 of Congress a report that assesses progress in the fol-
 24 lowing:

1 (1) The development by the Department of De-
 2 fense and the intelligence community of a com-
 3 prehensive and uniform analytical capability to as-
 4 sess the utility and advisability of various sensor and
 5 platform architectures and capabilities for the collec-
 6 tion of intelligence.

7 (2) The improvement of coordination between
 8 the Department and the intelligence community on
 9 strategic and budgetary planning.

10 (b) FORM.—The report under subsection (a) may be
 11 submitted in classified form.

12 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
 13 FINED.—In this section, the term “appropriate commit-
 14 tees of Congress” means—

15 (1) the Select Committee on Intelligence and
 16 the Committee on Armed Services of the Senate; and

17 (2) the Permanent Select Committee on Intel-
 18 ligence and the Committee on Armed Services of the
 19 House of Representatives.

20 **SEC. 336. REPORT ON UNITED STATES DEPENDENCE ON**
 21 **COMPUTER HARDWARE AND SOFTWARE MAN-**
 22 **UFACTURED OVERSEAS.**

23 (a) REPORT.—Not later than February 15, 2004, the
 24 Director of Central Intelligence shall submit to the appro-
 25 priate committees of Congress a report on the extent of

1 United States dependence on computer hardware or soft-
2 ware that is manufactured overseas.

3 (b) ELEMENTS.—The report under subsection (a)
4 shall address the following:

5 (1) The extent to which the United States cur-
6 rently depends on computer hardware or software
7 that is manufactured overseas.

8 (2) The extent to which United States depend-
9 ence on such computer hardware or software is in-
10 creasing.

11 (3) The vulnerabilities of the national security
12 and economy of the United States as a result of
13 United States dependence on such computer hard-
14 ware or software.

15 (4) Any other matters relating to United States
16 dependence on such computer hardware or software
17 that the Director considers appropriate.

18 (c) CONSULTATION WITH PRIVATE SECTOR.—In pre-
19 paring the report under subsection (a), the Director may
20 consult, and is encouraged to consult, with appropriate
21 persons and entities in the computer hardware or software
22 industry and with other appropriate persons and entities
23 in the private sector.

1 (d) FORM.—(1) The report under subsection (a) shall
 2 be submitted in unclassified form, but may include a clas-
 3 sified annex.

4 (2) The report may be in the form of a National In-
 5 telligence Estimate.

6 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
 7 FINED.—In this section, the term “appropriate commit-
 8 tees of Congress” means—

9 (1) the Select Committee on Intelligence and
 10 the Committee on Armed Services of the Senate; and

11 (2) the Permanent Select Committee on Intel-
 12 ligence and the Committee on Armed Services of the
 13 House of Representatives.

14 **SEC. 337. REPORT ON LESSONS LEARNED FROM MILITARY**
 15 **OPERATIONS IN IRAQ.**

16 (a) REPORT.—Not later than one year after the date
 17 of the enactment of this Act, the Director of Central Intel-
 18 ligence shall submit to the appropriate committees of Con-
 19 gress a report on the intelligence lessons learned as a re-
 20 sult of Operation Iraqi Freedom.

21 (b) RECOMMENDATIONS.—The report under sub-
 22 section (a) shall include such recommendations on means
 23 of improving training, equipment, operations, coordina-
 24 tion, and collection of or for intelligence as the Director
 25 considers appropriate.

1 (c) FORM.—The report under subsection (a) shall be
2 submitted in classified form.

3 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Select Committee on Intelligence and
7 the Committee on Armed Services of the Senate; and

8 (2) the Permanent Select Committee on Intel-
9 ligence and the Committee on Armed Services of the
10 House of Representatives.

11 **SEC. 338. REPORTS ON CONVENTIONAL WEAPONS AND AM-**
12 **MUNITION OBTAINED BY IRAQ IN VIOLATION**
13 **OF CERTAIN UNITED NATIONS SECURITY**
14 **COUNCIL RESOLUTIONS.**

15 (a) PRELIMINARY REPORT.—Not later than 120 days
16 after the date of the cessation of hostilities in Iraq (as
17 determined by the President), the Director of the Defense
18 Intelligence Agency shall submit to the appropriate com-
19 mittees of Congress a preliminary report on all informa-
20 tion obtained by the Department of Defense and the intel-
21 ligence community on the conventional weapons and am-
22 munition obtained by Iraq in violation of applicable resolu-
23 tions of the United Nations Security Council adopted since
24 the invasion of Kuwait by Iraq in August 1990.

1 (b) FINAL REPORT.—(1) Not later than 270 days
2 after the date of the cessation of hostilities in Iraq (as
3 so determined), the Director shall submit to the appro-
4 priate committees of Congress a final report on the infor-
5 mation described in subsection (a).

6 (2) The final report under paragraph (1) shall in-
7 clude such updates of the preliminary report under sub-
8 section (a) as the Director considers appropriate.

9 (c) ELEMENTS.—Each report under this section shall
10 set forth, to the extent practicable, with respect to each
11 shipment of weapons or ammunition addressed in such re-
12 port the following:

13 (1) The country of origin.

14 (2) Any country of transshipment.

15 (d) FORM.—Each report under this section shall be
16 submitted in unclassified form, but may include a classi-
17 fied annex.

18 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
19 FINED.—In this section, the term “appropriate commit-
20 tees of Congress” means—

21 (1) the Select Committee on Intelligence and
22 the Committee on Armed Services of the Senate; and

23 (2) the Permanent Select Committee on Intel-
24 ligence and the Committee on Armed Services of the
25 House of Representatives.

1 **SEC. 339. REPEAL OF CERTAIN REPORT REQUIREMENTS**
2 **RELATING TO INTELLIGENCE ACTIVITIES.**

3 (a) ANNUAL EVALUATION OF PERFORMANCE AND
4 RESPONSIVENESS OF INTELLIGENCE COMMUNITY.—Sec-
5 tion 105 of the National Security Act of 1947 (50 U.S.C.
6 403–5) is amended by striking subsection (d).

7 (b) PERIODIC AND SPECIAL REPORTS ON DISCLO-
8 SURE OF INTELLIGENCE INFORMATION TO UNITED NA-
9 TIONS.—Section 112 of the National Security Act of 1947
10 (50 U.S.C. 404g) is amended—

11 (1) by striking subsection (b); and

12 (2) by redesignating subsections (c), (d), and
13 (e) as subsections (b), (c), and (d), respectively.

14 (c) ANNUAL REPORT ON INTELLIGENCE COMMUNITY
15 COOPERATION WITH COUNTERDRUG ACTIVITIES.—Sec-
16 tion 114 of the National Security Act of 1947 (50 U.S.C.
17 404i) is amended—

18 (1) by striking subsection (a); and

19 (2) by redesignating subsections (b) through (f)
20 as subsections (a) through (e), respectively.

21 (d) ANNUAL REPORT ON RUSSIAN NUCLEAR FACILI-
22 TIES AND FORCES.—Section 114 of the National Security
23 Act of 1947, as amended by subsection (c) of this section,
24 is further amended—

25 (1) by striking subsection (a); and

1 (2) by redesignating subsections (b) through (e)
2 as subsections (a) through (d), respectively.

3 (e) ANNUAL REPORT ON COVERT LEASES.—Section
4 114 of the National Security Act of 1947, as amended
5 by this section, is further amended—

6 (1) by striking subsection (c); and

7 (2) by striking subsection (d).

8 (f) ANNUAL REPORT ON PROTECTION OF COVERT
9 AGENTS.—Section 603 of the National Security Act of
10 1947 (50 U.S.C. 423) is repealed.

11 (g) ANNUAL REPORT ON CERTAIN FOREIGN COMPA-
12 NIES INVOLVED IN PROLIFERATION OF WEAPONS OF
13 MASS DESTRUCTION.—Section 827 of the Intelligence Au-
14 thorization Act for Fiscal Year 2003 (Public Law 107–
15 306; 116 Stat. 2430; 50 U.S.C. 404n–3) is repealed.

16 (h) ANNUAL REPORT ON INTELLIGENCE ACTIVITIES
17 OF PEOPLE’S REPUBLIC OF CHINA.—Section 308 of the
18 Intelligence Authorization Act for Fiscal Year 1998 (Pub-
19 lic Law 105–107; 111 Stat. 2253; 50 U.S.C. 402a note)
20 is repealed.

21 (i) ANNUAL REPORT ON COORDINATION OF COUN-
22 TERINTELLIGENCE MATTERS WITH FBI.—Section 811(c)
23 of the Counterintelligence and Security Enhancements Act
24 of 1994 (title VIII of Public Law 103–359; 50 U.S.C.
25 402a(c)) is amended—

1 (1) by striking paragraph (6); and

2 (2) by redesignating paragraphs (7) and (8) as
3 paragraphs (6) and (7), respectively.

4 (j) REPORTS ON DECISIONS NOT TO PROSECUTE
5 VIOLATIONS OF CLASSIFIED INFORMATION PROCEDURES
6 ACT.—Section 13 of the Classified Information Proce-
7 dures Act (18 U.S.C. App.) is amended—

8 (1) by striking subsections (a) and (b); and

9 (2) by striking “(c)”.

10 (k) REPORT ON POSTEMPLOYMENT ASSISTANCE FOR
11 TERMINATED INTELLIGENCE EMPLOYEES.—Section 1611
12 of title 10, United States Code, is amended by striking
13 subsection (e).

14 (l) ANNUAL REPORT ON ACTIVITIES OF FBI PER-
15 SONNEL OUTSIDE THE UNITED STATES.—Section 540C
16 of title 18, United States Code, is repealed.

17 (m) ANNUAL REPORT ON EXCEPTIONS TO CON-
18 SUMER DISCLOSURE REQUIREMENTS FOR NATIONAL SE-
19 CURITY INVESTIGATIONS.—Section 604(b)(4) of the Fair
20 Credit Reporting Act (15 U.S.C. 1681b(b)(4)) is amend-
21 ed—

22 (1) by striking subparagraphs (D) and (E); and

23 (2) by redesignating subparagraph (F) as sub-
24 paragraph (D).

1 (n) CONFORMING AMENDMENTS.—Section 507 of the
 2 National Security Act of 1947 (50 U.S.C. 415b) is amend-
 3 ed—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) by striking subparagraphs (A),
 7 (C), (D), (G), (I), (J), and (L); and

8 (ii) by redesignating subparagraphs
 9 (B), (E), (F), (H), (K), (M), and (N) as
 10 subparagraphs (A), (B), (C), (D), (E),
 11 (F), and (G), respectively; and

12 (iii) in subparagraph (E), as so redes-
 13 ignated, by striking “section 114(c)” and
 14 inserting “section 114(a)”; and

15 (B) in paragraph (2)—

16 (i) by striking subparagraphs (A),
 17 (E), and (F);

18 (ii) by redesignating subparagraphs
 19 (B), (D), and (G) as subparagraphs (A),
 20 (B), and (C), respectively; and

21 (iii) in subparagraph (A), as so redes-
 22 ignated, by striking “section 114(d)” and
 23 inserting “section 114(b)”; and

24 (2) in subsection (b)—

25 (A) by striking paragraph (1) and (3); and

1 (B) by redesignating paragraphs (2), (4),
 2 (5), (6), (7), and (8) as paragraphs (1), (2),
 3 (3), (4), (5), and (6), respectively.

4 (o) CLERICAL AMENDMENTS.—

5 (1) NATIONAL SECURITY ACT OF 1947.—The
 6 table of contents for the National Security Act of
 7 1947 is amended by striking the item relating to
 8 section 603.

9 (2) TITLE 18, UNITED STATES CODE.—The
 10 table of sections at the beginning of chapter 33 of
 11 title 18, United States Code, is amended by striking
 12 the item relating to section 540C.

13 (p) EFFECTIVE DATE.—The amendments made by
 14 this section shall take effect on December 31, 2003.

15 **Subtitle E—Other Matters**

16 **SEC. 351. EXTENSION OF SUSPENSION OF REORGANIZA-** 17 **TION OF DIPLOMATIC TELECOMMUNI-** 18 **CATIONS SERVICE PROGRAM OFFICE.**

19 Section 311 of the Intelligence Authorization Act for
 20 Fiscal Year 2002 (Public Law 107–108; 22 U.S.C. 7301
 21 note) is amended—

22 (1) in the heading, by striking “**TWO-YEAR**”
 23 before “**SUSPENSION OF REORGANIZA-**
 24 **TION**”; and

1 (2) in the text, by striking “ending on October
 2 1, 2003” and inserting “ending on the date that is
 3 60 days after the appropriate congressional commit-
 4 tees of jurisdiction (as defined in section 324(d) of
 5 that Act (22 U.S.C. 7304(d)) are notified jointly by
 6 the Secretary of State (or the Secretary’s designee)
 7 and the Director of the Office of Management and
 8 Budget (or the Director’s designee) that the oper-
 9 ational framework for the office has been termi-
 10 nated”.

11 **SEC. 352. MODIFICATIONS OF AUTHORITIES ON EXPLOSIVE**
 12 **MATERIALS.**

13 (a) CLARIFICATION OF ALIENS AUTHORIZED TO DIS-
 14 TRIBUTE EXPLOSIVE MATERIALS.—Section 842(d)(7) of
 15 title 18, United States Code, is amended—

16 (1) in subparagraph (A), by striking “or” at
 17 the end;

18 (2) in subparagraph (B)—

19 (A) by inserting “or” at the end of clause
 20 (i); and

21 (B) by striking clauses (iii) and (iv); and

22 (3) by adding the following new subparagraphs:

23 “(C) is a member of a North Atlantic
 24 Treaty Organization (NATO) or other friendly
 25 foreign military force, as determined by the At-

torney General in consultation with the Secretary of Defense, who is present in the United States under military orders for training or other military purpose authorized by the United States and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the authorized military purpose; or

“(D) is lawfully present in the United States in cooperation with the Director of Central Intelligence, and the shipment, transportation, receipt, or possession of the explosive materials is in furtherance of such cooperation;”.

(b) CLARIFICATION OF ALIENS AUTHORIZED TO POSSESS OR RECEIVE EXPLOSIVE MATERIALS.—Section 842(i)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B)—

(A) by inserting “or” at the end of clause

(i); and

(B) by striking clauses (iii) and (iv); and

(3) by adding the following new subparagraphs:

“(C) is a member of a North Atlantic Treaty Organization (NATO) or other friendly

foreign military force, as determined by the Attorney General in consultation with the Secretary of Defense, who is present in the United States under military orders for training or other military purpose authorized by the United States and the shipping, transporting, possession, or receipt of explosive materials is in furtherance of the authorized military purpose; or

“(D) is lawfully present in the United States in cooperation with the Director of Central Intelligence, and the shipment, transportation, receipt, or possession of the explosive materials is in furtherance of such cooperation;”.

SEC. 353. MODIFICATION OF PROHIBITION ON THE NATURALIZATION OF CERTAIN PERSONS.

Section 313(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1424(e)(4)) is amended—

(1) by inserting “when Department of Defense activities are relevant to the determination” after “Secretary of Defense”; and

(2) by inserting “and the Secretary of Homeland Security” after “Attorney General”.

1 **SEC. 354. MODIFICATION TO DEFINITION OF FINANCIAL IN-**
 2 **STITUTION IN THE RIGHT TO FINANCIAL PRI-**
 3 **VACY ACT.**

4 The Right to Financial Privacy Act of 1978 (12
 5 U.S.C. 3401 et seq.) is amended—

6 (1) in section 1101(1) (12 U.S.C. 3401(1)), by
 7 inserting “, except as provided in section 1114,” be-
 8 fore “means any office”; and

9 (2) in section 1114 (12 U.S.C. 3414), by add-
 10 ing at the end the following:

11 “(c) For purposes of this section, the term ‘financial
 12 institution’ has the same meaning as in section 5312(a)(2)
 13 of title 31, United States Code, except that, for purposes
 14 of this section, such term shall include only such a finan-
 15 cial institution any part of which is located inside any
 16 State or territory of the United States, the District of Co-
 17 lumbia, Puerto Rico, Guam, American Samoa, or the
 18 United States Virgin Islands.”.

19 **SEC. 355. COORDINATION OF FEDERAL GOVERNMENT RE-**
 20 **SEARCH ON SECURITY EVALUATIONS.**

21 (a) WORKSHOPS FOR COORDINATION OF RE-
 22 SEARCH.—The National Science Foundation and the Of-
 23 fice of Science and Technology Policy shall jointly sponsor
 24 not less than two workshops on the coordination of Fed-
 25 eral Government research on the use of behavioral, psy-

1 chological, and physiological assessments of individuals in
2 the conduct of security evaluations.

3 (b) DEADLINE FOR COMPLETION OF ACTIVITIES.—

4 The activities of the workshops sponsored under sub-
5 section (a) shall be completed not later than March 1,
6 2004.

7 (c) PURPOSES.—The purposes of the workshops
8 sponsored under subsection (a) are as follows:

9 (1) To provide a forum for cataloging and co-
10 ordinating Federally-funded research activities relat-
11 ing to the development of new techniques in the be-
12 havioral, psychological, or physiological assessment
13 of individuals to be used in security evaluations.

14 (2) To develop a research agenda for the Fed-
15 eral Government on behavioral, psychological, and
16 physiological assessments of individuals, including
17 an identification of the research most likely to ad-
18 vance the understanding of the use of such assess-
19 ments of individuals in security evaluations.

20 (3) To distinguish between short-term and long-
21 term areas of research on behavioral, psychological,
22 and physiological assessments of individuals in order
23 maximize the utility of short-term and long-term re-
24 search on such assessments.

1 (4) To identify the Federal agencies best suited
2 to support research on behavioral, psychological, and
3 physiological assessments of individuals.

4 (5) To develop recommendations for coordi-
5 nating future Federally-funded research for the de-
6 velopment, improvement, or enhancement of security
7 evaluations.

8 (d) ADVISORY GROUP.—(1) In order to assist the Na-
9 tional Science Foundation and the Office of Science and
10 Technology Policy in carrying out the activities of the
11 workshops sponsored under subsection (a), there is hereby
12 established an interagency advisory group with respect to
13 such workshops.

14 (2) The advisory group shall be composed of the fol-
15 lowing:

16 (A) A representative of the Social, Behavioral,
17 and Economic Directorate of the National Science
18 Foundation.

19 (B) A representative of the Office of Science,
20 and Technology Policy.

21 (C) The Secretary of Defense, or a designee of
22 the Secretary.

23 (D) The Secretary of State, or a designee of the
24 Secretary.

1 (E) The Attorney General, or a designee of the
2 Attorney General.

3 (F) The Secretary of Energy, or a designee of
4 the Secretary.

5 (G) The Secretary of Homeland Security, or a
6 designee of the Secretary.

7 (H) The Director of Central Intelligence, or a
8 designee of the Director.

9 (I) The Director of the Federal Bureau of In-
10 vestigation, or a designee of the Director.

11 (J) The National Counterintelligence Executive,
12 or a designee of the National Counterintelligence
13 Executive.

14 (K) Any other official assigned to the advisory
15 group by the President for purposes of this section.

16 (3) The members of the advisory group under sub-
17 paragraphs (A) and (B) of paragraph (2) shall jointly
18 head the advisory group.

19 (4) The advisory group shall provide the Foundation
20 and the Office such information, advice, and assistance
21 with respect to the workshops sponsored under subsection
22 (a) as the advisory group considers appropriate.

23 (5) The advisory group shall not be treated as an ad-
24 visory committee for purposes of the Federal Advisory
25 Committee Act (5 U.S.C. App.).

1 (e) REPORT.—Not later than March 1, 2004, the Na-
 2 tional Science Foundation and the Office of Science and
 3 Technology Policy shall jointly submit Congress a report
 4 on the results of activities of the workshops sponsored
 5 under subsection (a), including the findings and rec-
 6 ommendations of the Foundation and the Office as a re-
 7 sult of such activities.

8 (f) FUNDING.—(1) Of the amount authorized to be
 9 appropriated for the Intelligence Community Management
 10 Account by section 104(a), \$500,000 shall be available to
 11 the National Science Foundation and the Office of Science
 12 and Technology Policy to carry out this section.

13 (2) The amount authorized to be appropriated by
 14 paragraph (1) shall remain available until expended.

15 **SEC. 356. TECHNICAL AMENDMENTS.**

16 (a) NATIONAL SECURITY ACT OF 1947.—Subsection
 17 (c)(1) of section 112 of the National Security Act of 1947,
 18 as redesignated by section 339(b) of this Act, is further
 19 amended by striking “section 103(c)(6)” and inserting
 20 “section 103(c)(7)”.

21 (b) CENTRAL INTELLIGENCE AGENCY ACT OF
 22 1949.—(1) Section 6 of the Central Intelligence Agency
 23 Act of 1949 (50 U.S.C. 403g) is amended by striking
 24 “section 103(c)(6) of the National Security Act of 1947
 25 (50 U.S.C. 403–3(c)(6))” and inserting “section 103(c)(7)

1 of the National Security Act of 1947 (50 U.S.C. 403–
2 3(c)(7))”.

3 (2) Section 15 of that Act (50 U.S.C. 403o) is
4 amended—

5 (A) in subsection (a)(1), by striking “special
6 policemen of the General Services Administration
7 perform under the first section of the Act entitled
8 ‘An Act to authorize the Federal Works Adminis-
9 trator or officials of the Federal Works Agency duly
10 authorized by him to appoint special policeman for
11 duty upon Federal property under the jurisdiction of
12 the Federal Works Agency, and for other pur-
13 poses’ (40 U.S.C. 318),” and inserting “officers and
14 agents of the Department of Homeland Security, as
15 provided in section 1315(b)(2) of title 40, United
16 States Code,”; and

17 (B) in subsection (b), by striking “the fourth
18 section of the Act referred to in subsection (a) of
19 this section (40 U.S.C. 318c)” and inserting “sec-
20 tion 1315(c)(2) of title 40, United States Code”.

21 (c) NATIONAL SECURITY AGENCY ACT OF 1959.—
22 Section 11 of the National Security Agency Act of 1959
23 (50 U.S.C. 402 note) is amended—

24 (1) in subsection (a)(1), by striking “special po-
25 licemen of the General Services Administration per-

1 form under the first section of the Act entitled ‘An
 2 Act to authorize the Federal Works Administrator
 3 or officials of the Federal Works Agency duly au-
 4 thorized by him to appoint special policeman for
 5 duty upon Federal property under the jurisdiction of
 6 the Federal Works Agency, and for other pur-
 7 poses’ (40 U.S.C. 318)” and inserting “officers and
 8 agents of the Department of Homeland Security, as
 9 provided in section 1315(b)(2) of title 40, United
 10 States Code,”; and

11 (2) in subsection (b), by striking “the fourth
 12 section of the Act referred to in subsection (a) (40
 13 U.S.C. 318c)” and inserting “section 1315(c)(2) of
 14 title 40, United States Code”.

15 (d) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
 16 YEAR 2003.—Section 343 of the Intelligence Authoriza-
 17 tion Act for Fiscal Year 2003 (Public Law 107–306; 116
 18 Stat. 2399; 50 U.S.C. 404n–2) is amended—

19 (1) in subsection (c), by striking “section
 20 103(c)(6) of the National Security Act of 1947 (50
 21 U.S.C. 403–3(c)(6))” and inserting “section
 22 103(c)(7) of the National Security Act of 1947 (50
 23 U.S.C. 403–3(c)(7))”; and

24 (2) in subsection (e)(2), by striking “section
 25 103(c)(6)” and inserting “section 103(c)(7)”.

1 (e) PUBLIC LAW 107–173.—Section 201(c)(3)(F) of
 2 the Enhanced Border Security and Visa Entry Reform Act
 3 of 2002 (Public Law 107–173; 116 Stat. 548; 8 U.S.C.
 4 1721(c)(3)(F)) is amended by striking “section 103(c)(6)
 5 of the National Security Act of 1947 (50 U.S.C. 403–
 6 3(c)(6))” and inserting “section 103(c)(7) of the National
 7 Security Act of 1947 (50 U.S.C. 403–3(c)(7))”.

8 **TITLE IV—CENTRAL** 9 **INTELLIGENCE AGENCY**

10 **SEC. 401. AMENDMENT TO CERTAIN CENTRAL INTEL-** 11 **LIGENCE AGENCY ACT OF 1949 NOTIFICATION** 12 **REQUIREMENTS.**

13 Section 4(b)(5) of the Central Intelligence Agency
 14 Act of 1949 (50 U.S.C. 403e(b)(5)) is amended inserting
 15 “, other than regulations under paragraph (1),” after
 16 “Regulations”.

17 **SEC. 402. PROTECTION OF CERTAIN CENTRAL INTEL-** 18 **LIGENCE AGENCY PERSONNEL FROM TORT** 19 **LIABILITY.**

20 Section 15 of the Central Intelligence Agency Act of
 21 1949 (50 U.S.C. 403o) is amended by adding at the end
 22 the following new subsection:

23 “(d)(1) Notwithstanding any other provision of law,
 24 any Agency personnel designated by the Director under
 25 subsection (a), or designated by the Director under section

1 5(a)(4) to carry firearms for the protection of current or
2 former Agency personnel and their immediate families, de-
3 fectors and their immediate families, and other persons
4 in the United States under Agency auspices, shall be con-
5 sidered for purposes of chapter 171 of title 28, United
6 States Code, or any other provision of law relating to tort
7 liability, to be acting within the scope of their office or
8 employment when such Agency personnel take reasonable
9 action, which may include the use of force, to—

10 “(A) protect an individual in the presence of
11 such Agency personnel from a crime of violence;

12 “(B) provide immediate assistance to an indi-
13 vidual who has suffered or who is threatened with
14 bodily harm; or

15 “(C) prevent the escape of any individual whom
16 such Agency personnel reasonably believe to have
17 committed a crime of violence in the presence of
18 such Agency personnel.

19 “(2) Paragraph (1) shall not affect the authorities
20 of the Attorney General under section 2679(d)(1) of title
21 28, United States Code.

22 “(3) In this subsection, the term ‘crime of violence’
23 has the meaning given that term in section 16 of title 18,
24 United States Code.”.

1 **SEC. 403. REPEAL OF OBSOLETE LIMITATION ON USE OF**
 2 **FUNDS IN CENTRAL SERVICES WORKING**
 3 **CAPITAL FUND.**

4 Section 21(f)(2) of the Central Intelligence Agency
 5 Act of 1949 (50 U.S.C. 403u(f)(2)) is amended—

6 (1) in subparagraph (A), by striking “(A) Sub-
 7 ject to subparagraph (B), the Director” and insert-
 8 ing “The Director”; and

9 (2) by striking subparagraph (B).

10 **SEC. 404. TECHNICAL AMENDMENT TO FEDERAL INFORMA-**
 11 **TION SECURITY MANAGEMENT ACT OF 2002.**

12 Section 3535(b)(1) of title 44, United States Code,
 13 as added by section 1001(b)(1) of the Homeland Security
 14 Act of 2002 (Public Law 107–296), and section
 15 3545(b)(1) of title 44, United States Code, as added by
 16 section 301(b)(1) of the E–Government Act of 2002 (Pub-
 17 lic Law 107–347), are each amended by inserting “or any
 18 other law” after “1978”.

19 **TITLE V—DEPARTMENT OF DE-**
 20 **FENSE INTELLIGENCE MAT-**
 21 **TERS**

22 **SEC. 501. PROTECTION OF OPERATIONAL FILES OF THE NA-**
 23 **TIONAL SECURITY AGENCY.**

24 (a) CONSOLIDATION OF CURRENT PROVISIONS ON
 25 PROTECTION OF OPERATIONAL FILES.—The National Se-
 26 curity Act of 1947 (50 U.S.C. 401 et seq.) is amended

1 by transferring sections 105C and 105D to the end of title
 2 VII and redesignating such sections, as so transferred, as
 3 sections 703 and 704, respectively.

4 (b) PROTECTION OF OPERATIONAL FILES OF
 5 NSA.—Title VII of such Act, as amended by subsection
 6 (a), is further amended by adding at the end the following
 7 new section:

8 “OPERATIONAL FILES OF THE NATIONAL SECURITY
 9 AGENCY

10 “SEC. 705. (a) EXEMPTION OF CERTAIN OPER-
 11 ATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION,
 12 OR DISCLOSURE.—(1) The Director of the National Secu-
 13 rity Agency, with the coordination of the Director of Cen-
 14 tral Intelligence, may exempt operational files of the Na-
 15 tional Security Agency from the provisions of section 552
 16 of title 5, United States Code, which require publication,
 17 disclosure, search, or review in connection therewith.

18 “(2)(A) Subject to subparagraph (B), in this section,
 19 the term ‘operational files’ means files of the National Se-
 20 curity Agency (hereafter in this section referred to as
 21 ‘NSA’) which document the means by which foreign intel-
 22 ligence or counterintelligence is collected through technical
 23 systems.

24 “(B) Files which are the sole repository of dissemi-
 25 nated intelligence are not operational files.

1 “(3) Notwithstanding paragraph (1), exempted oper-
2 ational files shall continue to be subject to search and re-
3 view for information concerning—

4 “(A) United States citizens or aliens lawfully
5 admitted for permanent residence who have re-
6 quested information on themselves pursuant to the
7 provisions of section 552 or 552a of title 5, United
8 States Code;

9 “(B) any special activity the existence of which
10 is not exempt from disclosure under the provisions
11 of section 552 of title 5, United States Code; or

12 “(C) the specific subject matter of an investiga-
13 tion by any of the following for any impropriety, or
14 violation of law, Executive order, or Presidential di-
15 rective, in the conduct of an intelligence activity:

16 “(i) The Permanent Select Committee on
17 Intelligence of the House of Representatives.

18 “(ii) The Select Committee on Intelligence
19 of the Senate.

20 “(iii) The Intelligence Oversight Board.

21 “(iv) The Department of Justice.

22 “(v) The Office of General Counsel of
23 NSA.

24 “(vi) The Office of the Director of NSA.

1 “(4)(A) Files that are not exempted under paragraph
2 (1) which contain information derived or disseminated
3 from exempted operational files shall be subject to search
4 and review.

5 “(B) The inclusion of information from exempted
6 operational files in files that are not exempted under para-
7 graph (1) shall not affect the exemption under paragraph
8 (1) of the originating operational files from search, review,
9 publication, or disclosure.

10 “(C) The declassification of some of the information
11 contained in exempted operational files shall not affect the
12 status of the operational file as being exempt from search,
13 review, publication, or disclosure.

14 “(D) Records from exempted operational files which
15 have been disseminated to and referenced in files that are
16 not exempted under paragraph (1), and which have been
17 returned to exempted operational files for sole retention
18 shall be subject to search and review.

19 “(5) The provisions of paragraph (1) may not be su-
20 perseded except by a provision of law which is enacted
21 after the date of the enactment of the Intelligence Author-
22 ization Act for Fiscal Year 2004, and which specifically
23 cites and repeals or modifies such provisions.

24 “(6)(A) Except as provided in subparagraph (B),
25 whenever any person who has requested agency records

1 under section 552 of title 5, United States Code, alleges
2 that NSA has withheld records improperly because of fail-
3 ure to comply with any provision of this section, judicial
4 review shall be available under the terms set forth in sec-
5 tion 552(a)(4)(B) of title 5, United States Code.

6 “(B) Judicial review shall not be available in the
7 manner provided for under subparagraph (A) as follows:

8 “(i) In any case in which information specifi-
9 cally authorized under criteria established by an Ex-
10 ecutive order to be kept secret in the interests of na-
11 tional defense or foreign relations is filed with, or
12 produced for, the court by NSA, such information
13 shall be examined ex parte, in camera by the court.

14 “(ii) The court shall determine, to the fullest
15 extent practicable, the issues of fact based on sworn
16 written submissions of the parties.

17 “(iii) When a complainant alleges that re-
18 quested records are improperly withheld because of
19 improper placement solely in exempted operational
20 files, the complainant shall support such allegation
21 with a sworn written submission based upon per-
22 sonal knowledge or otherwise admissible evidence.

23 “(iv)(I) When a complainant alleges that re-
24 quested records were improperly withheld because of
25 improper exemption of operational files, NSA shall

1 meet its burden under section 552(a)(4)(B) of title
2 5, United States Code, by demonstrating to the
3 court by sworn written submission that exempted
4 operational files likely to contain responsive records
5 currently perform the functions set forth in para-
6 graph (2).

7 “(II) The court may not order NSA to review
8 the content of any exempted operational file or files
9 in order to make the demonstration required under
10 subclause (I), unless the complainant disputes
11 NSA’s showing with a sworn written submission
12 based on personal knowledge or otherwise admissible
13 evidence.

14 “(v) In proceedings under clauses (iii) and (iv),
15 the parties may not obtain discovery pursuant to
16 rules 26 through 36 of the Federal Rules of Civil
17 Procedure, except that requests for admissions may
18 be made pursuant to rules 26 and 36.

19 “(vi) If the court finds under this paragraph
20 that NSA has improperly withheld requested records
21 because of failure to comply with any provision of
22 this subsection, the court shall order NSA to search
23 and review the appropriate exempted operational file
24 or files for the requested records and make such
25 records, or portions thereof, available in accordance

1 with the provisions of section 552 of title 5, United
2 States Code, and such order shall be the exclusive
3 remedy for failure to comply with this subsection.

4 “(vii) If at any time following the filing of a
5 complaint pursuant to this paragraph NSA agrees to
6 search the appropriate exempted operational file or
7 files for the requested records, the court shall dis-
8 miss the claim based upon such complaint.

9 “(viii) Any information filed with, or produced
10 for the court pursuant to clauses (i) and (iv) shall
11 be coordinated with the Director of Central Intel-
12 ligence before submission to the court.

13 “(b) DECENNIAL REVIEW OF EXEMPTED OPER-
14 ATIONAL FILES.—(1) Not less than once every 10 years,
15 the Director of the National Security Agency and the Di-
16 rector of Central Intelligence shall review the exemptions
17 in force under subsection (a)(1) to determine whether such
18 exemptions may be removed from a category of exempted
19 files or any portion thereof. The Director of Central Intel-
20 ligence must approve any determination to remove such
21 exemptions.

22 “(2) The review required by paragraph (1) shall in-
23 clude consideration of the historical value or other public
24 interest in the subject matter of a particular category of

1 files or portions thereof and the potential for declassifying
2 a significant part of the information contained therein.

3 “(3) A complainant that alleges that NSA has im-
4 properly withheld records because of failure to comply with
5 this subsection may seek judicial review in the district
6 court of the United States of the district in which any
7 of the parties reside, or in the District of Columbia. In
8 such a proceeding, the court’s review shall be limited to
9 determining the following:

10 “(A) Whether NSA has conducted the review
11 required by paragraph (1) before the expiration of
12 the 10-year period beginning on the date of the en-
13 actment of the National Defense Authorization Act
14 for Fiscal Year 2004 or before the expiration of the
15 10-year period beginning on the date of the most re-
16 cent review.

17 “(B) Whether NSA, in fact, considered the cri-
18 teria set forth in paragraph (2) in conducting the re-
19 quired review.”.

20 (c) CONFORMING AMENDMENTS.—(1) Section 701(b)
21 of the National Security Act of 1947 (50 U.S.C. 431(b))
22 is amended by striking “For purposes of this title” and
23 inserting “In this section and section 702,”.

6 “TITLE VII—PROTECTION OF OPERATIONAL
7 FILES”.

10 “PROTECTION OF OPERATIONAL FILES OF THE CENTRAL
11 INTELLIGENCE AGENCY”.

14 “DECENNIAL REVIEW OF EXEMPTED CENTRAL
15 INTELLIGENCE AGENCY OPERATIONAL FILES.”

18 (1) by striking the items relating to sections
19 105C and 105D; and

“TITLE VII—PROTECTION OF OPERATIONAL FILES

“Sec. 703. Protection of operational files of the National Imagery and Mapping Agency.

“Sec. 704. Protection of operational files of the National Reconnaissance Office.

“Sec. 705. Protection of operational files of the National Security Agency.”.

1 **SEC. 502. PROVISION OF AFFORDABLE LIVING QUARTERS**
 2 **FOR CERTAIN STUDENTS WORKING AT NA-**
 3 **TIONAL SECURITY AGENCY LABORATORY.**

4 Section 2195 of title 10, United States Code, is
 5 amended by adding at the end the following new sub-
 6 section:

7 “(d)(1) The Director of the National Security Agency
 8 may provide affordable living quarters to a student in the
 9 Student Educational Employment Program or similar pro-
 10 gram (as prescribed by the Office of Personnel Manage-
 11 ment) while the student is employed at the laboratory of
 12 the Agency.

13 “(2) Notwithstanding section 5911(c) of title 5, living
 14 quarters may be provided under paragraph (1) without
 15 charge, or at rates or charges specified in regulations pre-
 16 scribed by the Director.”.

17 **SEC. 503. PROTECTION OF CERTAIN NATIONAL SECURITY**
 18 **AGENCY PERSONNEL FROM TORT LIABILITY.**

19 Section 11 of the National Security Agency Act of
 20 1959 (50 U.S.C. 402 note) is amended by adding at the
 21 end the following new subsection:

22 “(d)(1) Notwithstanding any other provision of law,
 23 agency personnel designated by the Director of the Na-
 24 tional Security Agency under subsection (a) shall be con-

1 sidered for purposes of chapter 171 of title 28, United
 2 States Code, or any other provision of law relating to tort
 3 liability, to be acting within the scope of their office or
 4 employment when such agency personnel take reasonable
 5 action, which may include the use of force, to—

6 “(A) protect an individual in the presence of
 7 such agency personnel from a crime of violence;

8 “(B) provide immediate assistance to an indi-
 9 vidual who has suffered or who is threatened with
 10 bodily harm; or

11 “(C) prevent the escape of any individual whom
 12 such agency personnel reasonably believe to have
 13 committed a crime of violence in the presence of
 14 such agency personnel.

15 “(2) Paragraph (1) shall not affect the authorities
 16 of the Attorney General under section 2679(d)(1) of title
 17 28, United States Code.

18 “(3) In this subsection, the term ‘crime of violence’
 19 has the meaning given that term in section 16 of title 18,
 20 United States Code.”.

21 **SEC. 504. AUTHORITY FOR INTELLIGENCE COMMUNITY**
 22 **ELEMENTS OF DEPARTMENT OF DEFENSE TO**
 23 **AWARD PERSONAL SERVICE CONTRACTS.**

24 (a) **AUTHORITY.**—Notwithstanding any other provi-
 25 sion of law, amounts appropriated or otherwise made

1 available to a covered component of the Department of
2 Defense may be expended for personal service contracts
3 necessary to carry out the mission of the covered compo-
4 nent, including personal services without regard to limita-
5 tions on types of persons to be employed.

6 (b) COVERED COMPONENT OF THE DEPARTMENT OF
7 DEFENSE DEFINED.—In this section, the term “covered
8 component of the Department of Defense” means any ele-
9 ment of the Department of Defense that is a component
10 of the intelligence community as set forth in or designated
11 under section 3(4) of the National Security Act of 1934
12 (50 U.S.C. 401a(4)).

○